IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRL.A.No. 194 of 2001

CC.335/1999 of JUDL. MAGISTRATE OF FIRST CLASS, KASARAGOD

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APPELLANT/COMPLAINANT:

M.MADHUSUDHANA KEDILAYA,
S/O.KRISHNA KEDILAYA,
MITHOOR HOUSE,
ADHUR VILLAGE, KUNTAR P.O.,
KASARAGOD DIST.

BY ADV. SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.K.B.KUNJUMON

RESPONDENTS/ACCUSED:

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1. VISHNU KELLURAYA,
   S/O. KESHAVA KELLURAYA,
   MITHOOR HOUSE,
   ADHUR VILLAGE, KUNTAR P.O.,
   KASARAGOD DIST.

2. M.BALAKRISHNA KEDILAYA
   S/O.KRISHNA KEDILAYA,
   MITHOOR HOUSE,
   ADHUR VILLAGE, KUNTAR P.O.,
   KASARAGOD DIST.

3. U.SUBRAYA BHAT,
   S/O. ULLAL SANKARA BHAT,
   KUNTAR HOUSE,ADHUR VILLAGE, KUNTAR P.O.,
   KASARAGOD DIST.

4. ISHANARAYANAN,
   S/O. M.BALAKRISHNA KEDILAYA
   MITHOOR HOUSE,
   ADHUR VILLAGE, KUNTAR P.O.,
   KASARAGOD DIST.

5. CHIDANANDA,
   S/O.M.BALAKRISHNA KEDILAYA,
   MITHOOR HOUSE,
   ADHUR VILLAGE, KUNTAR P.O.,
   KASARAGOD DIST.

6. KRISHNA PRASAD,
   S/O. VISHNU KEDILAYA,
   MITHOOR HOUSE,
   ADHUR VILLAGE, KUNTAR P.O.,
   KASARAGOD DIST.

7. STATE OF KERALA REPRESENTED
   BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.194 of 2001

DATED THIS THE 12th July 2007

JUDGMENT

The appellant is the complainant in C.C.No. 335/1999 in the file of the Judicial Magistrate of First Class, Kasaragod with respect to the proceedings initiated under Sections 143,147,148,447,427,430,379, 506(ii) read with Section 149 I.P.C. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of unavoidable circumstances.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10-8-2007. The court below shall issue fresh summons to the accused/respondents. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.194 of 2001

JUDGMENT

12-7-2007

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